

EXHIBIT T



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In The Matter Of

La Union Del Pueblo Entero, et al.,

Plaintiffs

v

State Of Texas, et al.,

Defendants

CASE

5:21-cv-844

Date

4-28-2022

Witness

Brian Keith Ingram, J.D.

**Certified Copy
Transcript**

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5:21-cv-844 (XR)**4/28/2022****Entero v Texas**

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO §
ENTERO, ET AL., §
Plaintiffs, § Civil Action No.
§ 5:21-cv-844 (XR)
VS. § (Consolidated Cases)

STATE OF TEXAS, ET AL. §
Defendants. §

ORAL DEPOSITION OF
BRIAN KEITH INGRAM, J.D.
CORPORATE REPRESENTATIVE FOR THE
TEXAS SECRETARY OF STATE OFFICE
APRIL 28, 2022

ORAL DEPOSITION OF BRIAN KEITH INGRAM, J.D.,
CORPORATE REPRESENTATIVE FOR THE TEXAS SECRETARY OF
STATE OFFICE produced as a witness at the instance of
the Plaintiffs and Plaintiff-Intervenors, and duly
sworn, was taken in the above-styled and numbered cause
on the 28th day of April 2022, from 9:03 a.m. to
3:18 p.m., before Caroline Chapman, CSR in and for the
State of Texas, reported by Computerized Stenotype
Machine, Computer-Assisted Transcription, held at the
rice Daniel Sr State Office Building, 209 West 14th
Street, Austin, Texas, and via web-based conference
pursuant to the Federal Rules of Civil Procedure.

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1 MS. HUNKER: Objection. Asked and
2 answered.

3 **A. No.**

4 Q. Are you aware of any investigation into illegal
5 voting, election fraud, or other criminal activity in
6 connection with voting with the use of an assister in
7 Texas?

8 MS. HUNKER: Objection, form.

9 **A. Yes.**

10 Q. How many instances are you aware of?

11 **A. Well, most of the complaints that come to our**
12 **office that we refer to the Attorney General have to do**
13 **with the mail voting process and a lot of those are**
14 **charges of illegal assistance, so I don't know precisely**
15 **how many and I can't talk about particulars because they**
16 **are over with the Attorney General and they are not**
17 **public record under 31.006, but it would -- I would say**
18 **at least 10 or 15 illegal assistance complaints have**
19 **been referred over there, maybe only 10, maybe 11, I**
20 **don't know. It is somewhere in that neighborhood. And**
21 **then, of course, we have had a few complaints along the**
22 **way in the last 10 years of persons who complain that**
23 **the assistance that was given in-person was illegal.**

24 Q. And so you say at least or somewhere between 10
25 and 15 that you have referred to the Attorney General's

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1 Office -- or your office has referred to the AG's
2 Office; is that correct?

3 **A. Right. In the last couple years. This is not**
4 **just in one election.**

5 Q. And when say, "over the last couple of years,"
6 can you give me a more precise time frame?

7 **A. Well, I don't know. I would have to go look at**
8 **the complaint log. But I would say at least since 2020,**
9 **election, general election in 2020 that we have had**
10 **probably a good 10 or 15.**

11 Q. And so it is your testimony that, since
12 approximately 2020 through present, your office is
13 referred approximately between 10 and 15 complaints
14 about unlawful assistance with vote by mail to the
15 Attorney General's Office for further investigation; is
16 that right?

17 **A. I agree that that's the number that I have got**
18 **in my head. I would have to look at the complaint log**
19 **and confirm it.**

20 Q. And so you use the term "complaint log," can
21 you tell me what that is?

22 **A. It is a log of complaints that we get, election**
23 **log complaints.**

24 Q. And is that a formal written document that your
25 office keeps?

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1 **A. Yes.**

2 Q. Is that a document that, to your knowledge, has
3 been produced to the plaintiffs in discovery in this
4 case?

5 **A. I would be surprised if it had. It has**
6 **confidential information in it, but it might.**

7 Q. So if I were to use the term "complaint log"
8 would that have a specific meaning to the folks in your
9 office?

10 **A. It would.**

11 Q. And is there only one complaint log that is
12 kept by your office?

13 **A. Should be.**

14 Q. How is that document updated?

15 **A. By my assistant when the complaints come in.**

16 Q. And so walk me through that process if you
17 would, please.

18 **A. A complaint comes in, it is recorded in the**
19 **complaint log, it is scanned and emailed to me for**
20 **review.**

21 Q. And do you review every complaint that does
22 come in?

23 **A. I do.**

24 Q. What happens after you conduct that review?

25 **A. Either a disposition letter will be put**

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1 **together by my assistant and mailed to the complainant**
2 **or it will be assigned to an attorney for either**
3 **referral to the Attorney General or for a letter back to**
4 **the complainant.**

5 Q. Who makes the decision, the ultimate decision
6 about whether it is issued a -- whether a disposition
7 letter is issued or if it is referred to an attorney for
8 further follow-up?

9 **A. Me.**

10 Q. Anybody else?

11 **A. No.**

12 Q. What type of information would appear on the
13 complaint log for each complaint that is sent in to your
14 office?

15 **A. I am not sure. I haven't ever seen the**
16 **document myself, so I don't know all of the boxes that**
17 **it has, but it will have -- generally, it will have the**
18 **date the complaint was received, the nat -- the broad**
19 **general nature description of the complaint. The person**
20 **bringing the complaint and I think usually the person**
21 **complained of. It will also have --**

22 Q. Any others?

23 **A. -- a column for attorney assigned and then**
24 **disposition.**

25 Q. Thank you. And forgive me, please, for

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1 speaking over you.

2 Any other information that you could think
3 of that might be captured on that document?

4 **A. Like I said, I don't know. I haven't seen the**
5 **document myself. I think those are the categories.**

6 Q. Having never seen the document, do you have any
7 information about whether it is in fact complete with
8 every complaint that has come in or not?

9 MS. HUNKER: Objection, form.

10 **A. I believe it to be complete at least for the**
11 **last several years. It has in the past been the**
12 **responsibility of the legal -- paralegal, legal**
13 **assistant to keep up with that document. Our legal**
14 **assistant recently left us and so it's -- my assistant**
15 **has been doing it. And I am pretty confident that the**
16 **legal assistants that we have had in the last four or**
17 **five years have done a good job of documenting every**
18 **complaint, so that's what I would say about that.**

19 Q. And so sitting here today, you have reason to
20 believe that if a complaint is submitted to your office
21 about some unlawful voting activity, the -- that
22 complaint has been recorded on the complaint log and a
23 scan of it has been saved to your system; is that fair?

24 MS. HUNKER: Objection, form.

25 **A. I believe so.**

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1 Q. Ms. Hunker, at this point, I do believe the
2 witness testified he would be surprised if it were
3 produced in discovery. I will make a formal request
4 that we do obtain a copy of that and your office try to
5 produce it to us. I recognize that there might be,
6 based on the witness' testimony, some material that will
7 require redaction. But we, obviously, take no position
8 until we have seen it. But if you have to produce it in
9 a redacted form of the privilege log, please do so.

10 MS. HUNKER: I will note your request and
11 do inquiries into the matter. However, to the extent
12 that it has confidential information, particularly, if
13 that information cannot be redacted without comprising
14 the document or can't be redacted at all, we would be
15 alleging privilege.

16 MR. KANTERMAN: Noted and certainly happy
17 to follow-up after the deposition. I certainly
18 appreciate the courtesy of taking a look though. Thank
19 you.

20 Q. (By Mr. Kanterman) Mr. Ingram, moving on to my
21 next lines of questions if we could.

22 Did you or your office have any
23 communications with the Texas Governor and/or the Office
24 of the Texas Governor regarding any incidents of illegal
25 voting?

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1 **for the other candidate by some margin. But because of**
2 **the overwhelming number of mail ballots that went**
3 **overwhelmingly for the one candidate, he ended up**
4 **winning the race by a few votes, and that has been the**
5 **subject of investigation by the Attorney General and it**
6 **has been the subject of indictments by the Attorney**
7 **General.**

8 Q. And do you have any recollection sitting here
9 today the particulars of the conversations you had with
10 the Governor's office about that situation?

11 **A. Just what we are talking about here today that**
12 **it happened and it was investigated.**

13 Q. You mentioned you had thousands of hours of
14 communications with the Governor's office over your --
15 the course of your time with the Secretary of State's
16 Office; is that right?

17 **A. That's right.**

18 Q. Are those conversations generally in written
19 form in some other form?

20 **A. No. We talk.**

21 Q. When you say "talk," are those in-person
22 communications, telephone communications or something
23 else?

24 **A. Both. Mostly on the phone but we do talk**
25 **in-person.**

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1 Q. Did you have any additional communications with
2 the Texas Governor or his office about violations of
3 Texas election laws besides those we have already
4 discussed?

5 MS. HUNKER: Objection, form. Asked and
6 answered.

7 **A. Yeah. Again, I -- I can't remember any**
8 **specific conversations, but we talk a lot and we talk**
9 **about violations of the law a lot. We talk about all**
10 **kinds of things.**

11 Q. Have you had any communications with the Texas
12 Attorney General or his office regarding incident of or
13 investigation into illegal voting in the State of Texas?

14 MS. HUNKER: I am going to object to the
15 extent this calls for investigative privilege and
16 instruct my witness not to reveal any information
17 concerning complaints that have been referred to the OAG
18 but have yet to be resolved through a final matter.

19 **A. Yes. I talk to the Attorney General's**
20 **investigative team on a regular basis.**

21 Q. And, sir, I am not asking you for specifics of
22 any individual circumstances at the moment, generally,
23 what are those conversations about?

24 MS. HUNKER: Same objection with the same
25 advice that my witness not communicate anything specific

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1 with respect to a complaint that has been referred to
2 the Attorney General but has yet to be resolved through
3 every conviction or dismissal.

4 **A. Yeah. We talk about a lot of stuff. I mean,**
5 **we talk about complaints that we have sent over. We**
6 **talk about the language of the statute and what we think**
7 **it means versus what they think it means. We talk about**
8 **bills that get filed in the legislative process, so I**
9 **mean, we talk to them about a variety of things.**

10 Q. But two of those items that you just mentioned
11 I wanted to discuss a little bit further. If I heard
12 you correctly, first, that you discussed with the
13 Attorney General's Office your interpretation and their
14 interpretation of certain provisions of the law; is that
15 right?

16 **A. That's right.**

17 Q. Have you discussed with the Attorney General's
18 Office your interpretation and their interpretation of
19 provisions of SB 1.

20 MS. HUNKER: Objection to the extent it
21 calls for investigative privilege as well as
22 attorney-client privilege, specifically where the
23 Secretary of State's Office is requesting advice from
24 the Attorney General, I would advise my client to
25 refrain from any of those type of communications.

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1 **A. No.**

2 Q. Sir, when you are discussing -- when you are
3 having these conversations with the Attorney General's
4 Office that you mentioned, those in which they are
5 seeking your input on the interpretation of statutory
6 language and you are discussing their interpretation,
7 are you doing so in furtherance of seeking their legal
8 advice?

9 **A. No. The one instance I can think of, it was**
10 **them explaining to me their interpretation of the Penal**
11 **Code 36.02 so that I would quit sending them complaints**
12 **that they didn't think warranted investigation.**

13 Q. And in your view was that conversation in
14 furtherance of seeking or receiving legal advice from
15 them?

16 **A. No.**

17 Q. Let's talk about -- let's talk about the scope
18 of that conversation then. And can you repeat for me,
19 please, the code section you just referred to, 38?

20 **A. 36.02 of the Penal Code.**

21 Q. And was it just a single conversation that you
22 can recall at the Attorney General's Office in which you
23 discuss their interpretation of Section 36.02 of the
24 Penal Code?

25 **A. That's right.**

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1 Q. And when was that conversation?

2 **A. Several years ago.**

3 Q. Do you have a more specific approximation of a
4 date?

5 **A. No.**

6 Q. Would it be before or after 2020?

7 **A. It would be before '20. Several years ago, it**
8 **was before '20.**

9 Q. Do you think it was before 2018?

10 **A. Don't know.**

11 Q. Was this a conversation you had in-person, over
12 the telephone, by email or some other -- through some
13 other media?

14 **A. It was a phone call.**

15 Q. And approximately how long did that phone call
16 last?

17 **A. Five, 10 minutes.**

18 Q. And who attended that phone call, if you
19 recall?

20 **A. Jonathan White and myself.**

21 THE REPORTER: And excuse me, we had
22 someone come in the room.

23 Q. Anybody else?

24 THE REPORTER: Excuse me just a moment,
25 Mr. Kanterman. May I get your name?

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1 Q. And tell me what it was, please.

2 **A. So 36.02 is the anti-bribery statute, and it**
3 **says that -- that the crime consists of giving anything**
4 **of value to, in part, there is a lot of categories, but**
5 **one of the categories is a voter for that -- that you**
6 **anticipate influencing the voter's discretion in any**
7 **way, right. So to us at the Secretary of State's**
8 **Office, that means the decision whether to vote or not**
9 **is part of the discretion of a voter. And if somebody**
10 **gives, you know, like Free Blue Jean Day on Friday, if**
11 **we all have 100 percent turn out and vote, that to us**
12 **would be a violation of 36.02 because you're influencing**
13 **the discretion of a voter to turn out to actually vote**
14 **or not.**

15 Jonathan says that the way that they -- or
16 said that the way that they interpret that statute is,
17 it has to be influencing the voter's discretion in the
18 booth in a particular way, so to vote for or against a
19 measure, for or against a candidate, and that the meer
20 enticement of voting by an offer of a free beer with
21 your out voted sticker, or whatever, is not sufficient
22 to constitute the crime; that there has been to be an
23 actual influencing of the voter's vote itself not their
24 decision to vote or not. I still think he is --

25 Q. Beyond --

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 Defendants. §

REPORTER'S CERTIFICATION

ORAL DEPOSITION OF

BRIAN KEITH INGRAM, J.D.

APRIL 28, 2022

I, CAROLINE CHAPMAN, Certified Shorthand
 Reporter in and for the State of Texas, hereby certify
 to the following:

That the witness, BRIAN KEITH INGRAM, J.D.
 was duly sworn by the officer and that the transcript of
 the oral deposition is a true record of the testimony
 given by the witness;

That the deposition transcript was
 submitted on May 2, 2022, to the witness or to the
 attorney for the witness for examination, signature, and
 return to me within 20 days;

That the amount of time used by each party
 at the deposition is as follows:

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1 Mr. Freeman - Two hours and fifty-five
2 minutes.

3 Mr. Kanterman - One hour and twenty-two
4 minutes.

5 That pursuant to information given to the
6 deposition officer at the time said testimony was taken,
7 the appearance page includes all parties of record.

8 I further certify that I am neither
9 counsel for, related to, nor employed by any of the
10 parties or attorneys in the action in which this
11 proceeding was taken, and further that I am not
12 financially or otherwise interested in the outcome of
13 the action.

14 Certified to by me on May 2, 2022.

15
16
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